

FILED
SCRANTON

APR 17 2019

PER

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVE LAWRENCE,
Plaintiff

v.

I.N.S., et al.,
Defendants

No. 3:18cv859

(Judge Munley)

(Magistrate Judge Mehalchick)

ORDER

AND NOW, to wit, this 17th day of April 2019, we have before us for disposition Magistrate Judge Karoline Mehalchick's report and recommendation, which proposes that the plaintiff's civil rights claim be dismissed.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice. Accordingly, it is hereby **ORDERED** as follows:

- 1) The Magistrate Judge's report and recommendation (Doc. 3) is **ADOPTED**;
- 2) The plaintiff's civil rights claim (Doc. 1) is **DISMISSED** for failure to state a claim;
- 3) The plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is **GRANTED**;
- 4) The motion for leave to amend the plaintiff's complaint is **DENIED** as moot; and
- 5) The Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court